

SENATE JOINT RESOLUTION 1528

By Bell

A RESOLUTION to direct the District Attorney General of the Tenth Judicial District to bring a quo warranto action to declare that Troy Weathers and Rodney Dillard have forfeited elected office as members of the Bradley County Board of Education.

WHEREAS, Tennessee Code Annotated, Section 49-2-201(a)(1), requires members of a county board of education to be "residents of and elected from districts of substantially equal population established by resolution of the local legislative body"; and

WHEREAS, Tennessee Code Annotated, Section 8-48-101(3), provides that any office of this State is vacated by the office holder ceasing to be a resident of the district for which the office holder was elected; and

WHEREAS, Troy Weathers was elected to serve on the Bradley County Board of Education, representing the Fourth District; and

WHEREAS, Troy Weathers subsequently moved and is no longer a resident of the Fourth District as required by Tennessee Code Annotated, Section 49-2-201(a)(1); and

WHEREAS, Rodney Dillard was elected to serve on the Bradley County Board of Education, representing the Fifth District; and

WHEREAS, Rodney Dillard subsequently moved and is no longer a resident of the Fifth District as required by Tennessee Code Annotated, Section 49-2-201(a)(1); and

WHEREAS, both Troy Weathers and Rodney Dillard vacated their respective positions on the Bradley County Board of Education upon establishing residence outside the districts which each member was elected to represent, creating two vacancies on the Bradley County Board of Education for members representing the Fourth and Fifth districts; and

WHEREAS, Article VII, Section 2 of the Constitution of Tennessee provides that "The election of all officers, and the filling of all vacancies not otherwise directed or provided by this Constitution, shall be made in such manner as the Legislature shall direct"; and

WHEREAS, in Tennessee Code Annotated, Section 49-2-201(a)(1), the legislature has directed that "Vacancies occurring on the board shall be filled by the local legislative body"; and

WHEREAS, Tennessee Code Annotated, Section 49-2-202(e)(1), further requires "the unexpired term shall be filled at the next regular meeting of the county legislative body or at a special meeting of the county legislative body"; and

WHEREAS, separate actions may be brought by the district attorney general, under Tennessee Code Annotated, Title 29, Chapter 35, to have declared that Troy Weathers and Rodney Dillard unlawfully hold public office within this State after establishing residence outside their respective districts and, in doing so, forfeit those offices; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED TWELFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that the General Assembly directs District Attorney General Steven D. Crump, who represents the Tenth Judicial District of Tennessee, which includes Bradley County, to file a quo warranto action under Tennessee Code Annotated, Section 29-35-101, on behalf of the State of Tennessee to declare Troy Weathers to have forfeited the office of Bradley County Board of Education member representing the Fourth District.

BE IT FURTHER RESOLVED, that the General Assembly directs District Attorney General Crump to file a quo warranto action under Tennessee Code Annotated, Section 29-35-101, on behalf of the State of Tennessee to declare Rodney Dillard to have forfeited the office of Bradley County Board of Education member representing the Fifth District.

BE IT FURTHER RESOLVED, that the clerk of the Senate is directed to deliver a copy of this resolution to District Attorney General Steven D. Crump, with this final resolving clause being deleted from such copy.